

**FILED**

**APR - 6 2006**

HEARING BOARD  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

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BEFORE THE HEARING BOARD  
OF THE  
BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Appeal of	)	
	)	
<b>CALIFORNIANS FOR RENEWABLE ENERGY (CARE)</b>	)	No. 3511
	)	
	)	<u>MINUTE ORDER</u>
on the City and County of San Francisco	)	
San Francisco Electrical Reliability Project	)	
FDOC Application 12344	)	
	)	

In accordance with the request of Michael E. Boyd, President, Californians for Renewable Energy (CARE) ("Appellants") received on March 29, 2006, this Minute Order has been prepared.

The above-entitled matter is an Appeal of the Californians for Renewable Energy (CARE) on the City and County of San Francisco San Francisco Electrical Reliability Project FDOC Application 12344. The Appeal was filed on January 13, 2006.

On March 23, 2006 the Hearing Board held a hearing to: (a) consider the Appellant's Request for Waiver of Filing Fee and Court Reporter Fees; (b) consider Robert Sarvey's Petition for Intervention; (c) consider the Motion to Dismiss For Lack of Jurisdiction submitted by Intervener, City and County of San Francisco; and (d) hear the Appeal.

Appellants were represented by Michael Boyd, President, CARE, and Lynne Brown, Vice

*ARS*

1 President, CARE. No witnesses from the Appellants testified.

2 Interveners were represented by Jeanne M. Solé, City and County of San Francisco. No  
3 witnesses from the Intervener testified.

4 Respondent, Bay Area Air Quality Management District (“District”) was represented by  
5 Alexander Crockett. One witness, Mr. Steve Hill, Air Quality Engineering Manager, Engineering  
6 Division of the District, testified.

7 Arlene Ichien, Assistant Chief Counsel, California Energy Commission (CEC), presented  
8 information on the CEC’s process and responded to Hearing Board questions.

9 One member of the public, Francisco Da Costa, Director, Environmental Justice Advocacy,  
10 provided comments.

11 The Clerk of the Hearing Board provided notice of this hearing in accordance with the  
12 requirements of the California Health and Safety Code . The Hearing Board heard each request in  
13 turn and voted as follows:

14 The Hearing Board voted 4 to 1 to grant Appellants’ request for waiver of the filing fee and  
15 court reporter fees. Hearing Board member Terry Trumbull moved to grant the request, which  
16 motion was seconded by Hearing Board member Christian Colline. Chairman Thomas Dailey and  
17 Hearing Board members Christian Colline, Julio Magalhães, and Terry Trumbull voted in favor of  
18 the motion to grant Appellants’ request and Hearing Board member Rolf Lindenhayn voted against  
19 the motion.

20 The Hearing Board voted unanimously to refund Robert Sarvey his filing fee for Petition  
21 for Intervention. Hearing Board member Terry Trumbull moved to refund Robert Sarvey his filing  
22 fee, which motion was seconded by Hearing Board member Julio Magalhães. Motion carried  
23 unanimously.

24 The Hearing Board voted unanimously to deny Robert Sarvey’s request for Petition for  
25 Intervention. Hearing Board member Terry Trumbull moved to deny the request, which motion  
26 was seconded by Hearing Board member Rolf Lindenhayn. Motion carried unanimously.

1           The Hearing Board voted unanimously to grant the Motion to Dismiss For Lack of  
2 Jurisdiction submitted by Intervener City and County of San Francisco. Hearing Board member  
3 Terry Trumbull moved to grant the Motion to Dismiss For Lack of Jurisdiction and dismiss the  
4 Appeal, which motion was seconded by Hearing Board member Rolf Lindenhayn. Motion carried  
5 unanimously.

6           THEREFORE, THE HEARING BOARD ORDERS that the Appeal be dismissed.

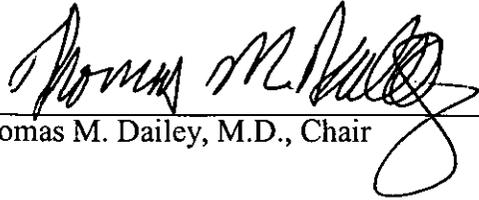
7           Moved by:    Terry A. Trumbull, Esq.

8           Seconded by: Rolf Lindenhayn, Esq.

9  
10          AYES:       Christian Colline, P.E., Rolf Lindenhayn, Esq.,  
11                        Julio Magalhães, Ph.D., Terry A. Trumbull, Esq., and  
12                        Thomas M. Dailey, M.D.

12          NOES:       None

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Thomas M. Dailey, M.D., Chair

3-31-06  
Date